

Serial No.: 09/883,638
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REMARKS

Claims 1-26 were previously pending in this application. By this amendment, Applicant is canceling claims 2 and 15 without prejudice or disclaimer. Claims 1, 3, 6-11, and 14 have been amended. As a result claims 1, 3-14 and 16-26 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Rejections Under 35 U.S.C. §102

Claims 1-26 were rejected in the Office Action under 35 U.S.C. §102(b) as being anticipated by Item 400HS.

Without acceding to the propriety of the rejection, claim 1 has been amended to more particularly point out what the Applicant regards as his invention. As amended, claim 1 is directed to a paving composition comprising aggregate and asphalt, a major proportion of the composition by weight being aggregate and a minor proportion of the composition by weight being asphalt. In the paving composition, the asphalt is present as a mastic and the asphalt mastic has additives comprising oil palm cellulose fibre. Item 400HS does not disclose a paving composition comprising aggregate and asphalt, the asphalt being present as a mastic and comprising oil palm cellulose fibre as an asphalt mastic additive. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested. Claims 3-14 and 16-26 depend from claim 1 and are believed to be in condition for allowance for at least the same reasons as independent claim 1.

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CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's agents at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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Docket No. S1436.70003US00
Date: January 10, 2004
x01/17/2004x

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